

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BARCO, INC.,	:	
	:	
Plaintiff,	:	Case No. 3:09cv157
	:	
vs.	:	JUDGE WALTER HERBERT RICE
	:	
Q4 SERVICES LCC,	:	
	:	
Defendant.	:	

ENTRY ISSUING BROADER TEMPORARY RESTRAINING ORDER UNTIL
WEDNESDAY, AUGUST 4, 2010; DEFENDANT'S MOTION FOR
INTERIM PRELIMINARY INJUNCTION (DOC. #139) OVERRULED

This Court entered a Temporary Restraining Order in this litigation on June 30, 2010, and extended that Order an additional 14 days on July 14, 2010. See Docs. ##130 and 136. That Temporary Restraining Order prohibits Plaintiff Barco, Inc., its employees, agents, officers and anyone acting in concert with it from shipping the display system, including a collimating film mirror, referred to in Barco's Notice of Shipment of Display System (Doc. #127), and which was scheduled to be shipped on June 28, 2010. The extended Temporary Restraining Order will expire today, Wednesday, July 28, 2010.

Although Rule 65 of the Federal Rules of Civil Procedure provides for temporary restraining orders of 14 days duration, which can be extended for a like

period of time, this Court is of the opinion that it is permissible to issue a broader Temporary Restraining Order for an additional week. A temporary restraining order is often times granted with no notice to the non-moving party or a minimal amount of time to prepare for and to present its arguments in opposition to same. Herein, by contrast, before entering a Temporary Restraining Order, this Court conducted an 11-day oral and evidentiary hearing and has considered the hundreds of pages of post-hearing memoranda and proposed findings of fact and conclusions of law submitted by the parties,¹ as well as the portions of a number of depositions that the parties had designated. With the amount of material this Court has had to consider, it has not yet been able to put its decision into final form, but hopes to do so by the close of business Tuesday, August 3, 2010. In order to accomplish that goal, the Court issues a broader Temporary Restraining Order, which will remain in effect until the close of business Wednesday, August 4, 2010. The Court is aware that this broader Temporary Restraining Order puts Plaintiff in the position of not knowing what it will be prohibited from doing by the Court's ultimate Preliminary Injunction. In an effort to provide guidance to the Plaintiff, the Court will ultimately preliminarily enjoin Plaintiff, its employees, agents successors, assigns and all others acting in concert with it from using (including future use to assist in development or design of any film mirror product) or disclosing (including by means of marketing or selling) Q4 Services LLC's trade secrets in the dual wall plenum design, the precision forming edge design (in particular, the long sheets of

¹The last memoranda were filed on June 16, 2010.

interlocking aluminum that overlap the plenum), the mirror lamination schedule, and/or the adjustable mirror foot design.²

Therefore, the Court issues a Temporary Restraining Order broader than that which it entered on June 28, 2010, until Wednesday, August 4, 2010, by which date, the Court will have filed its decision ruling on the parties' requests for preliminary injunctive relief. Accordingly, the Court hereby restrains Plaintiff, its employees, agents successors, assigns and all others acting in concert with it from using (including future use to assist in development or design of any film mirror product) or disclosing (including by means of marketing or selling) Q4 Services LLC's trade secrets in the dual wall plenum design, the precision forming edge design (in particular, the long sheets of interlocking aluminum that overlap the plenum), the mirror lamination schedule, and/or the adjustable mirror foot design.

July 28, 2010

/s/ Walter Herbert Rice

WALTER HERBERT RICE, JUDGE
UNITED STATES DISTRICT COURT

Copies to:

Counsel of Record.

²Obviously, the ultimate preliminary injunction, as well as the broader Temporary Restraining Order entered herein, will include/does include the subject matter of the narrower Temporary Restraining Order issued on June 30, 2010, and extended on July 14, 2010.